

House _____ Amendment NO. _____

Offered By _____

1 AMEND House Committee Substitute for Senate Bill No. 867, Page 1, Section A, Line 3, by
2 inserting the following after all of said line:

3
4 "67.5110. 1. As used in this section, the following terms mean:

5 (1) "Facilitation platform", an intermediary that facilitates the rental of a residential dwelling
6 rental and collects payment from a transient guest, but not including an entity that acts solely as a
7 property manager;

8 (2) "Marketing platform", an intermediary that facilitates the rental of a residential dwelling
9 rental, but does not collect payment from a transient guest;

10 (3) "Owner", a person who offers a residential dwelling rental to transient guests;

11 (4) "Political subdivision", any county, city, town, village, or township;

12 (5) "Residential dwelling", any building, structure, or part of the building or structure, that is
13 used and occupied for human habitation or intended to be so used, and includes any appurtenances
14 belonging to it or enjoyed with it. This definition shall not include time share units as the term "time
15 share unit" is defined in section 407.600;

16 (6) "Residential dwelling rental", a residential dwelling or any part thereof that is offered for
17 rent to transient guests. This definition shall not include time share units as the term "time share
18 unit" is defined in section 407.600;

19 (7) "Transient guest", any person who rents and occupies a guest room in a residential
20 dwelling rental for a period of less than thirty-one days in any calendar quarter; provided, however,
21 that "transient guest" shall not mean an occupant under a lease agreement.

22 2. A political subdivision may not enact or enforce an ordinance that prohibits or
23 unreasonably restricts residential dwelling rentals, or that regulates or otherwise restricts residential
24 dwelling rentals based solely on their classification, use, or occupancy as a residential dwelling unit.

25 3. The provisions of subsection 2 of this section shall not prohibit a political subdivision
26 from applying and enforcing any ordinance in effect prior to August 28, 2016.

27 4. Nothing in this section limits the authority of a political subdivision to enact or enforce an
28 ordinance that imposes reasonable restrictions on residential dwelling rentals in any of the following
29 areas:

30 (1) Protection of the public's health and safety, including rules and regulations related to fire
31 and building codes, health and sanitation, transportation and traffic control, solid and hazardous
32 wastes, and pollution control;

33 (2) Local taxes that may be imposed on residential dwelling rentals to transient guests;

34 (3) A requirement that any person who rents out his or her residential dwellings shall obtain
35 a business license and pay an annual license fee;

36 (4) The imposition or payment of inspection fees for residential dwellings;

Standing Action Taken _____ Date _____

Select Action Taken _____ Date _____

1 (5) Posting requirements for licenses, certificates, or registrations as well as emergency
 2 procedures;

3 (6) Response time periods for complaints and short-term renter concerns;

4 (7) Nuisances related to residential dwellings;

5 (8) Age requirements for renters;

6 (9) Off-street parking requirements; or

7 (10) Zoning requirements.

8 5. A transient guest shall pay and an owner shall collect and remit any applicable taxes on
 9 the occupancy of a residential dwelling rental imposed by the state or by the municipality,
 10 county, or local taxing entity in which the residential dwelling is located, whether the tax imposed
 11 be a sales tax, hotel tax, occupancy tax, or otherwise. When an owner uses a facilitation
 12 platform, the facilitation platform shall collect and remit on behalf of the owner any such applicable
 13 taxes on the occupancy of a residential dwelling rental by a transient guest. A marketing platform
 14 shall:

15 (1) Disclose in its terms of service the obligation to pay any applicable taxes to both the
 16 transient guest and the owner of the residential dwelling;

17 (2) Require as a term of service that the transient guest and the owner of the residential
 18 dwelling acknowledge the obligation to pay any applicable taxes; and

19 (3) Maintain records of any rentals facilitated for a period of three years for audits requested
 20 by a tax administrator and conducted during normal business hours.

21 6. For purposes of the collection and remittance by a facilitation platform of any state sales
 22 tax on the occupancy of a residential dwelling rental, the provisions of sections 32.010 to 32.096,
 23 sections 136.101 to 136.380, and sections 144.010 to 144.525 shall apply.

24 7. Prior to facilitating a residential dwelling rental to a transient guest, a facilitation platform
 25 and a marketing platform shall require as a term of service that the owner of a residential dwelling
 26 rental certifies that the residential dwelling rental meets all applicable state and local requirements.";
 27 and

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 29 Further amend said bill, Page 25, Section 233.295, Line 105, by inserting the following after all of
 30 said line:

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 32 "315.005. As used in sections 315.005 to 315.065, unless the context clearly indicates
 33 otherwise, the following terms mean:

34 (1) "Code", the standards relating to fire safety, sanitation, electrical wiring, fuel-burning
 35 appliances, plumbing, swimming pools and spas, sewage and waste treatment and disposal as
 36 adopted by the department. The department in its discretion, may incorporate, in whole or in part,
 37 the standards or codes promulgated by the National Fire Protection Association, Building
 38 Officials and Code Administration International, Inc., Great Lakes Upper Mississippi River Board
 39 of State Sanitary Engineers, and American Society of Sanitary Engineers;

40 (2) "Department", the director of the department of health and senior services or an agent of
 41 the director of the department of health and senior services;

42 (3) "Guest room", any room or unit where sleeping accommodations are regularly furnished
 43 to the public;

44 (4) "Lodging establishment", any building, group of buildings, structure, facility, place, or
 45 places of business where five or more guest rooms are provided, which is owned, maintained, or
 46 operated by any person and which is kept, used, maintained, advertised or held out to the public for
 47 hire which can be construed to be a hotel, motel, motor hotel, apartment hotel, tourist court, resort,
 48 cabins, tourist home, bunkhouse, dormitory, or other similar place by whatever name called, and

1 includes all such accommodations operated for hire as lodging establishments for either transient
2 guests, permanent guests, or for both transient and permanent guests;

3 (5) "Owner", the person responsible for obtaining a license from the department for
4 operating the lodging establishment;

5 (6) "Permanent guest", any person who rents and occupies a guest room in a lodging
6 establishment for a period of thirty-one days or more;

7 (7) "Person", any individual, partnership, corporation, association, organization, firm, or
8 federal, state, county, city, village, or municipal association or corporation;

9 (8) "Transient guest", any person who rents and occupies a guest room in a lodging
10 establishment for a period of less than thirty-one days in any calendar quarter."; and

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12 Further amend said bill by amending the title, enacting clause, and intersectional references
13 accordingly.